

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
DANIEL B. GRAVES,

: Plaintiff,

: 07 Civ. 5471 (BSJ)

: - against -

DEUTSCHE BANK SECURITIES INC.,

: Defendant.

: **AFFIRMATION OF NICHOLAS H.**
DE BAUN IN SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

:
----- x

NICHOLAS H. DE BAUN, an attorney at law duly admitted to practice before the Courts of the State of New York, hereby affirms the following under penalty of perjury:

1. I am a member of the bar of this Court and a member of Seyfarth Shaw LLP, counsel for Defendant Deutsche Bank Securities Inc. As such, I am familiar with the facts and circumstances of the instant action.

2. A true and correct copy of the Second Amended Complaint in this action filed on April 3, 2009, is attached hereto as Exhibit A.

3. A true and correct copy of the Answer in this action filed on April 23, 2010, is attached hereto as Exhibit B.

4. A true and correct copy of an offer letter from BT Alex Brown Inc. to Plaintiff, dated March 23, 1999, is attached hereto as Exhibit C.

5. True and correct copies of the cited pages of Plaintiff's deposition transcript are attached hereto as Exhibit D.

6. A true and correct copy of Deutsche Bank's Pay and Reimbursement Procedures is attached hereto as Exhibit E.

7. True and correct copies of the cited pages of the deposition transcript of James DeNaut are attached hereto as Exhibit F.

8. A true and correct copy of a July 2003 Deutsche Bank Securities Inc. PowerPoint presentation entitled "Business Planning and Development" is attached hereto as Exhibit G.

9. True and correct copies of the cited pages of the deposition transcript of Jeffrey Amling are attached hereto as Exhibit H.

10. A true and correct copy of a May 23, 2003 email, with the subject "Media - conversation with Amling", is attached hereto as Exhibit I.

11. A true and correct copy of a November 14, 2003 email, with the subject "mgr ranking check", is attached hereto as Exhibit J.

12. Exhibit K, a true and correct copy of a November 21, 2003 PowerPoint presentation, with the subject "OpCo Regional Subgroup Individual Banker Summary Managing Directors", is being filed under seal.

13. True and correct copies of the cited pages of the deposition transcript of Jacques Brand are attached hereto as Exhibit L.

14. A true and correct copy of an April 8, 2003 email, with the subject "GCF Report for Liz Lieberman", is attached hereto as Exhibit M.

15. A true and correct copy of a year-end severance calculation spreadsheet is attached hereto as Exhibit N.

16. A true and correct copy of a list of active employees in the Media group at the time Plaintiff was terminated is attached hereto as Exhibit O.

17. A true and correct copy of a December 9, 2003 email, with the subject "Dan graves", is attached hereto as Exhibit P.

18. A true and correct copy of a December 8, 2003 email, with the subject "Re:", is attached hereto as Exhibit Q.

19. A true and correct copy of a letter dated January 14, 2004, with the subject "Termination of your Employment by DBSI: Release and Settlement Agreement", is attached hereto as Exhibit R.

20. A true and correct copy of the Order of Judge Barbara S. Jones, signed March 17, 2010, is attached hereto as Exhibit S.

21. A true and correct copy of Plaintiff's handwritten notes, dated January 14, 2003, is attached hereto as Exhibit T.

Dated: New York, New York
May 24, 2012

SEYFARTH SHAW LLP

By: s/ Nicholas H. De Baun
Cliff Fonstein
Nicholas H. De Baun
620 Eighth Avenue
New York, New York 10018
(212) 218-5500

Attorneys for Defendant
Deutsche Bank Securities Inc.